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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,777	01/05/2001	J. Murray Hill II	10772/3	3186

757 7590 10/06/2003

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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,777

Applicant(s)

HILL ET AL.

Examiner

Tan Dean Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 15-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Information Disclosure Statement

The prior art statement filed 4/9/01 has been received and recorded.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-12, 13, 14, 24, drawn to a method for raising funds, classified in class 705, subclass 1.
- II. Claims 15-19, 20-23, drawn to a wall-mountable burial columbarium, classified in class 52, subclass 105. The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the method as claimed can be practice with a simple tombstone or single plain storage container for human remains. Alternatively, the apparatus as claimed can be used for burying animal or for a method for honoring the dead.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. During a telephone conversation with the attorney office on 9/22/03 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-19, 20-23 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

6. The abstract of the disclosure is objected to because the use of the term "said" in the body. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over ARTICLE 11/1997.

As for claim 1, ARTICLE 11/1997 is cited to teach a method for raising funds or selling burial plots at well known cemetery (Arlington National cemetery) in exchange for campaign contribution comprising: (a) providing a burial spaces (plots) which normally contain a storage and display case for housing a single or a plurality of cremation storage vessels in each space, and (b) selling the plots to donors by an entity (campaign or Clinton's campaign) for raising funds through the sale of the spaces, wherein the donors are associated with the entity (contributed generously to the campaign and served as ambassador during Clinton Administration) (see pages 1-2). Alternatively, the duplication of the process for raising fund by selling burial plot would have been obvious to an artisan as mere duplication of the same process to raise more funds from more donors. Alternatively, the use of well known storage and display case such as columbarium would have been obvious as mere using well known/conventional tool to achieve known results.

As for claims 2-5, these are inherently included in the process of ARTICLE 11/1997 pages 1-2 wherein the Administration provides the burial plot which

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normally contains storage and display case to the Campaign Administration and the Administration would inherently receive the money from the donor in return. Moreover, the various ways of making deals between the donor, the entity and provider are considered as routine deal making steps and would have been obvious to a person of ordinary skill. As for claim 6, this is inherently included in the teaching of ARTICLE 11/1997 wherein a display such as plaque showing name and birthdate of the dead is included at the burial plot, especially at Arlington National Cemetery wherein a large number of visitors visit this place daily and recognition and memory of the great heroes or citizens are very important. As for claims 7-8, these are taught in the article as Clinton 1992 Election Campaign Organization which is also non-profit. As for claims 9-12, these are taught or inherently included in the ARTICLE 11/1997, pages 1-2.

10. Claims 13, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARTICLE 11/1997 in view of WEISS (US patent 6,088,973).

The teaching of a method for raising funds or selling burial plots at well known cemetery (Arlington National Cemetery) in exchange for campaign contribution is taught in ARTICLE 11/1997 as indicated above. WEISS is merely cited to teach conventional columbarium with improved display indicia (messages and images) for the personal memory of the deceased person (Fig. 102, 103, 128-134, cols. 15, 18). It would have been obvious to modify the process of ARTICLE 11/1997 by using a well known columbarium as taught by WEISS to improve display indicia (messages and images) for the personal memory of the deceased person. Moreover, the use of columbarium in WEISS would inherently

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reduce the space required for burial in a limited space as in the most precious Arlington National Cemetery which would provide continuous space or service for the Nation in the future. Note also the structures of the apparatus carry little patentable weight in a method claims wherein the steps of doing business, in this case, raising funds by selling burial plots in exchange for campaign contribution, is critical to the invention.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US Patent: US Patent 5,799,488 is cited to teach conventional burial ways and fund-raising campaign for memory of the deceased.

2. NPL:

- Fundraisingbank. Com.
- Fundraising.com.

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12. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov.

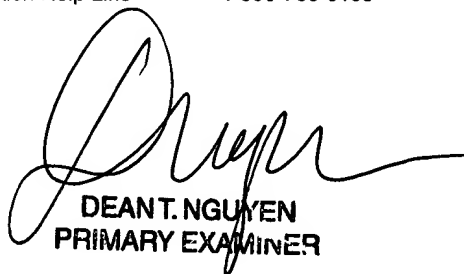
Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 305-7687. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn
September 30, 2003



DEAN T. NGUYEN
PRIMARY EXAMINER